

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. SACV 09-1187 JVS (ANx) Date November 3, 2009

Title Ibarra v. IndyMac Federal Bank, F.A.

Present: The James V. Selna
Honorable

Karla J. Tunis

Deputy Clerk

Not Present

Court Reporter

Attorneys Present for Plaintiffs:

Not Present

Attorneys Present for Defendants:

Not Present

Proceedings: (In Chambers) Order to Show Cause re Jurisdiction

Defendant IndyMac Federal Bank, F.A. ("IndyMac") removed the present action from the Superior Court of the State of California, County of Orange, invoking federal question jurisdiction, 28 U.S.C. § 1331. (Notice of Removal, ¶ 3.)

Plaintiff Gloria Ibarra *et al.* (collectively "Ibarra") has pled only California common law and statutory claims. Ibarra asserts no federal claim. In the Third Cause of Action for violation California Business and Professions Code Section 17200, she refers to violation of the Truth in Lending Act ("TILA"), 15 U.S.C. § 1601 *et seq.* as "a predicate unlawful business act[]." (Complaint, ¶ 47.) She does not assert an independent TILA claim.

Generally, a plaintiff is entitled to be the master of her complaint, and if she so chooses, she may seek relief only under state statutory or common law. Caterpillar Inc. v. Williams, 482 U.S. 386, 392 (1987). Here Ibarra seeks no federal relief, although she has pled violation of TILA as predicate to state statutory relief. This is insufficient for federal question jurisdiction.

U.S. Bank is ordered to show cause in writing within ten days why this case should not be remanded to state court for want of jurisdiction.

Initials of Preparer

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